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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GIL CROSTHWAITE and RUSS BURNS, in  
their respective capacities as Trustees of the  
OPERATING ENGINEERS' HEALTH AND  
WELFARE TRUST FUND, et al.,

Plaintiffs,

v.

FOSTER & SONS GENERAL  
ENGINEERING CONTRACTORS, INC., a  
California corporation,

Defendant.

Case No.: C10-0457 MMC

**ORDER GRANTING  
REQUEST FOR CONTINUANCE OF  
CASE MANAGEMENT CONFERENCE;  
DIRECTIONS TO PLAINTIFFS**

Date: May 28, 2010

Time: 10:30 a.m.

Location: 450 Golden Gate Avenue  
San Francisco, California

Courtroom: 7, 19<sup>th</sup> Floor

Judge: Honorable Maxine M. Chesney

Plaintiffs hereby submit their Request for Continuance of the current Case Management Conference scheduled for May 28, 2010 at 10:30 a.m. in Courtroom 7.

1. Default was entered as to Defendant on April 8, 2010.

2. After default was entered, Plaintiffs were notified of amounts found due on an audit of Defendant's payroll records for the period of January 1, 2007 through December 31, 2008. Plaintiffs are in the process of preparing an updated demand to include amounts found due on the audit. I will again offer Defendant a payment plan, spread over a 12 month period, to address all amounts currently known to be due to the Trust Funds.

3. Plaintiffs intend to file a Motion for Default Judgment if no response from Defendant is received.

4. There is nothing for the Court to consider at this point.

5. Therefore, I respectfully request that the current Case Management Conference be continued for 60 – 90 days to allow for Defendant’s response, or in the alternative, the preparation, filing and hearing of the Motion.

Date: May 20, 2010

SALTZMAN & JOHNSON  
LAW CORPORATION

By: \_\_\_\_\_/s/\_\_\_\_\_  
Michele R. Stafford  
Attorneys for Plaintiffs

## ORDER

The Case Management Conference currently scheduled for May 28, 2010 at 10:30 a.m. is hereby continued to September 3, 2010. Further, plaintiffs are hereby DIRECTED to file, no later than June 25, 2010, a motion for default judgment or a statement indicating why they should not be required to do so.  
Date: May 21, 2010

*Mafine M. Cheney*  
UNITED STATES DISTRICT COURT JUDGE